

**RULES AND REGULATIONS**

PROCEDURE NO. 117-14

**SERIOUS INJURY OR DEATH INVOLVING POLICE OFFICER**

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**PURPOSE:** To establish a procedure for incidents concerning serious injury or death involving police officers.

**I. INJURY OR DEATH INFLICTED BY A POLICE OFFICER**

**A. Serious Injury to a Citizen by Police**

1. When any citizen is wounded or seriously injured by a police officer, on or off duty, where such injury result in death, or possible death, the first superior officer on the scene will notify communications to notify the following personnel to take appropriate action.
  - a. The Ranking Operational Officer in the Precinct where the incident occurs will proceed to the scene and take charge of the operational personnel in the protection of the crime scene, crowd control, preservation of evidence, notifying the evidence technician, arrest of suspects, and any other necessary duties.
  - b. The Precinct and/or Divisional Commanders will report to the scene when a person is shot and/or otherwise seriously injured or killed when the incident involves officers under their respective command.
  - c. The Commander of the Internal Affairs Section.
  - d. The Internal Affairs Investigator. The Internal affairs Investigator will proceed to the scene and make an independent investigation of the incident. He shall submit a report of the Internal Affairs Investigation, including a copy of the offense report, to the Chief of Police.

**2. Homicide Detectives**

The Homicide Detectives on call will be called if the following conditions exist:

- a. Death has occurred as a result of police action.
- b. A serious injury has occurred that could possibly result in death as a result of police action.
- c. A request that Homicide be called the Internal Affairs Investigator assigned to investigate the incident.
- d. The Homicide Investigator will be responsible for:
  - (1) Conducting appropriate investigation.
  - (2) Notifying the medical examiner, if necessary.

**BIRMINGHAM POLICE DEPARTMENT**

2:21-CV-01002-AMM  
01/29/2024  
Jury Trial  
Defendant Exhibit No. 7



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(3) Completing necessary department report forms.

e. The superior officer in charge of the scene will control the number and duties of on duty personnel who are present.

### B. Temporary Reassignments

1. An officer involved in an incident in which his use of force has resulted in a death or serious injury shall be temporary reassigned to a non-line duty position pending an administrative review.
2. An officer may be placed on administrative leave at the discretion of the Chief of Police.

### C. Outside Agency Assistance

1. At the discretion and request of the Chief of Police or his/her designee incidents where a citizen is seriously injured or killed by a police officer will be investigated by the Alabama Law Enforcement Agency (ALEA) or other non-biased law enforcement agency.

## II. INJURY OR DEATH INFLICTED ON A POLICE OFFICER

A. The same procedure will be followed when officers are victims, with the following exceptions:

1. Homicide detectives will be called in all incidents resulting in death or serious injury inflicted on police officers.
2. The Communications Room will notify the Police Chaplain, who will make himself available to the officer's family.

B. The Communications Room will notify the ranking officer on duty in the precinct where the officer's family lives.

1. The ranking officer and/or Chaplain will notify the officer's family in person.
2. The ranking officer and/or Chaplain will provide the necessary assistance to the family.
3. In the event the officer lives outside the city, the nearest ranking police officer and/or chaplain will be sent.

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### III. NEWS MEDIA INFORMATION PROCEDURE

- A. The Internal Affairs Investigator at the scene of the incident shall notify the Commander of the Internal Affairs Section of all pertinent information.
- B. Only the Chief of Police or Internal Affairs Commander will make information available to the media initially or a further dates.
- C. All information released to the media will be in writing and a copy of the release will be forwarded as soon as is reasonably possible (no longer than eight hours) to the Chief of Police.

### IV. IMPACTED PERSONNEL

All potentially impacted BPD members will receive awareness training regarding such incidents and follow up as needed through Peer Support Training.

(CALEA 11.3.4, f)

### V. TRAINING FOR PERSONNEL RESPONSIBLE FOR MANAGING INCIDENTS

Commanders that may be responsible for managing use of force incidents or other enforcement actions that result in serious injury or death, or an in custody death shall receive process training for managing such incidents during Command Meetings and/ or Crime Strategies Meetings. (CALEA 11.3.4 e) Process training may include but not limited to:

- a. Use of Force Investigations
- b. Chief, Assistant Chief, Deputy Chief, PIO, Captain notifications
- c. First Report of Injury Reports
- d. Crime Scene Management
- e. Evidence Collection/ Preservation
- f. Internal Affairs Protocols

### VI. PROSECUTOR'S OFFICE

A prosecutor is the gatekeeper of the criminal justice system. The principle function of the District Attorney's Office is to make sure that the innocent doesn't suffer and that the guilty doesn't go free. The prosecutor office handle a variety of criminal matters which include Officer Involved Shootings. In some jurisdictions the Attorney General's Office make decisions regarding the culpability of an Officer regarding a shooting incident. However, in Alabama the local elected District Attorney makes the decision whether to charge, justify or present the Officer Involved Shooting to a Grand Jury.

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Establishing trust within the community from a prosecutor's standpoint is very important. Officer Involved Shootings test a police department's local integrity and reputation within the community that it promised to serve and protect. The local District Attorney's Office has the responsibility to hold officers accountable who break the law and support officers that perform their duties in a lawful manner. (CALEA 11.3.4 c)

Patrick D. Smith, Chief of Police